



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## CHECKS ON COUNTY GOVERNMENT IN INDIANA

---

BY JOHN A. LAPP,

Director, Indiana Bureau of Legislative Information.

---

The county-township system of local government prevails in Indiana. Responsibility is divided between the county and township in strict adherence to the mixed origin of the state's political system. The predominance of southern immigrants which, as late as 1850, showed twice as many inhabitants of southern origin as of New England origin, gave greater importance to the county as the principal unit. The county and township together have a large measure of administrative power and this power is predominantly in the county.

There are in Indiana ninety-two counties varying in area from eighty-five to six hundred and sixty-one square miles and in population from 4,329 to 263,661. The constitution fixes the minimum limit of area at one hundred square miles below which counties may not be subdivided. The county in Indiana is in most cases a small compact area, the average size being less than four hundred square miles. The counties are subdivided into 1,017 townships varying from six to twenty-two townships to a county.

The constitution names the elective officers of the county as follows: clerk of the circuit court, auditor, recorder, treasurer, sheriff, coroner and surveyor and provides further that such other officers as may be necessary shall be elected or appointed.

While not specifying the board of county commissioners, the constitution confers "upon the boards doing county business in the several counties, powers of a local administrative character." These boards, which were established in the beginning of the state's history, consist of three members elected by the voters of the whole county but selected from districts. Besides these officers there have been created by law a county sealer of weights and measures, county health officer, board of county charities, board of children's guardians, county superintendent of schools, county board of education, county truant officer, county board of review and, most important of all, the county council.

County work in Indiana has been divided into seven different classes:<sup>1</sup> conduct of business, public works, public utilities, protection of persons and property, care of unfortunates, education and administration of justice. The power devolving upon the county officers and boards under these heads is enormous. The Indiana county is a large business affair. The total expenditures in 1909 for ninety-two counties were \$51,298,899.46 or more than a half million on the average for each county. The smallest county showed an expenditure of \$73,327.64 while Marion county collected and used \$5,380,691.11.

Among the particular duties imposed upon the county, in addition to the usual duties found in most states in connection with the conduct of ordinary business, the enforcement of laws and administration of justice which are carried on by the board of county commissioners and the respective county officers, the following may be mentioned: (1) The county has control of the construction and care of bridges throughout the county, and of all free gravel or macadam roads which have been constructed as county roads under the gravel road law; (2) the commissioners grant franchises for public utilities and regulate the construction of telephone and telegraph lines along public highways; (3) the county is the unit for the enforcement of the health laws of the state outside of cities and towns and for the collection of all vital statistics and for the enforcement of honest weights and measures; (4) the boards of children's guardians which are appointed by the circuit judge have extensive powers in the matters relating to delinquent, truant and deserted children; and over all the county charities, the board of county charities, also appointed by the circuit judge, exercises supervising powers; (5) the county board of education appoints the county superintendent and county truant officers. The county superintendent has entire supervision of the schools outside of cities and towns; (6) the county is the tax-collecting agency of the state. All state, county and township taxes, and in some cases city taxes, are collected by the county treasurers and paid over to the respective units.<sup>2</sup>

With this passing view of the particular and general functions of the Indiana county, we will now proceed to the main theme of this paper—the checks on the conduct of county business.

<sup>1</sup> Davison, *Government in Indiana*, p. 11.

<sup>2</sup> The county treasurer is the city treasurer in cities of the first, second and third classes which are county seats.

*Local Checks*

The core of county government in Indiana is found in the board of county commissioners. These officers exercise a tremendous power. Their duties are largely executive and administrative. They have full control of the county buildings, roads, bridges and all other county property; they let contracts for supplies for all purposes; mark the boundaries of townships and election precincts; audit accounts and allow all bills of all county officers. They are road superintendents of the county roads, each commissioner being assigned to a certain district of the county;<sup>3</sup> they appoint many officers including the county attorney, county physician, superintendent of jails, workhouses and asylums, superintendent of weights and measures, and election and registration inspectors and clerks for each precinct. Little can be done without the approval of the commissioners. When the power of control is not given to them directly or to their appointees, their approval is required either directly or in auditing and allowing accounts. They meet monthly for the transaction of business and in special meetings whenever necessary.

Until 1899 the boards were unchecked by any state or local authority. The large powers which they exercised led to many grave abuses. The office offered opportunities for graft and promoted inefficiency in many ways. County government became a scandal throughout the state and culminated in a political issue in 1898. The county and township government commission, a voluntary organization, set forth the conditions in the following resolutions:

The numerous evils attending the transaction of county and township business under the present laws—the improvident contracts for the construction of court houses, jails, bridges and other public works, the excessive and demoralizing distribution of the poor fund in many localities, the arbitrary power of township trustees in levying taxes, the wasteful expenditures of public moneys upon the highway and in the purchasing of unnecessary and worthless supplies for school and other purposes, the secrecy and irresponsibility which so often attend the management of public business—all these things call for a radical change in the laws for the administration of county and township affairs. Such a change has been advocated in the platforms of both the leading political parties of the state, and this commission, composed of delegates chosen by the State Board of Commerce, the State Bar Association, the State Federation of Labor, as well as of certain senators and representatives, and others designated by Chairman Hernly, of the Republican State Central Committee, are now en-

---

<sup>3</sup> After January 1, 1914, the county commissioners will appoint a county road superintendent under a law of 1913.

gaged in considering measures for the reform of these laws, and earnestly ask for written suggestions in reference to this subject from all persons interested therein.

Governor Mount said in his biennial message:

The need of reform in laws and methods of county and township government is manifest to all. There are not the proper safeguards around the powers delegated to the county commissioners. They have power to levy taxes, make contracts, spend money, make allowances and audit the books. . . . The prodigality with which county funds are expended in some counties is the outgrowth of following precedents on the ascending scale. I believe it safe to conclude, if proper safeguards are placed about these offices, and wise business and economic methods adopted by counties, courts and townships there could be a saving of twenty per cent.

The legislature after a sharp fight, in which party lines were drawn principally for political effect, enacted the laws providing for the reform of both county and township government. These acts established the county council and the township advisory board, designed as checks upon the unlimited powers of the county commissioners and township trustees especially relating to finances. By the county reform law, which remains with only slight amendment, the county council was made to represent the people of the whole county as well as of certain districts. Seven members are provided for, three to be chosen by the voters of the whole county and four to be selected by the voters of the councilmanic districts. They serve at a nominal compensation. This council is the tax-levying and money-appropriating body for the county. It is in this respect the legislative authority. No money can be drawn from the treasury except on appropriation by the council; bonds are issued by the council and the borrowing power is exercised only by them. The council thus stands guard over the treasury. Their work is negative. They have no constructive power, but wherever they have been alert and active, they have been able to keep the county finances from being dissipated. Their chief power consists in their control over the budget. Indiana counties come as nearly in theory to a scientific budget as any municipalities in the country. The law specifies the forms and date for the budget. Every county officer, board, or court, is required to file carefully itemized estimates of their expenditures for the coming year before the Thursday following the third Monday in August. These estimates are compiled by the county auditor and presented to the council at their annual

September meeting. The council may require further specifications from any officer. Indeed there is no fact relative to the needs of any office which is not required by law or which may not be required by the council. The council is thus in a strategic position to exercise a wholesome check upon all county government.

In the practical administration of the law for the last fourteen years, the council's work has, in different counties, been good, bad and indifferent. Given a council of capability and of zeal for public service, and the opportunities for effective work which the laws afford are many; but it too frequently happens that the right kind of men cannot be found or cannot be induced to accept the onerous task which an efficient conduct of the office places upon them. It was freely predicted by the enemies of the law that the council would be filled with incapable men who could be easily controlled. In some cases this has been true. The council is sometimes narrow, seldom profligate from choice. Often, however, they are indifferent and do their work in a perfunctory manner. The system offers opportunities for efficient service but it does not insure that the county business will be scrutinized with the care that the law intended. The county council has done good service but is not a guarantor of efficient and honest county government. That this statement is true is evidenced by the demand which brought the state board of accounts into existence in 1909.

### *State Checks*

*General.*—The state has only slight control over the county in the enforcement of the laws. Sheriffs are elected by the people and prosecuting attorney by the judicial circuit; and although recognized as state officers, for the enforcement of state laws they are not subject to direction by the governor or other state officials. Recently the governor was compelled to order out the militia to enforce a law against race track gambling, because he had no authority to compel the sheriff and other local authorities to perform their duties. There is no power of removal of any county officer by state authorities as in New York and other states, nor any effective power of direction. As far as general enforcement of law is concerned, the county is practically unchecked by the state. There are, however, many checks in different phases of administration and there is a marked and rapid extension of these checks.

*Accounting.*—The state established in 1909, a state board of accounts with power to install uniform systems of accounts in all county as well as other local offices, and with powers of close inspection and supervision of accounts. The reasons for the establishment of this board were connected largely with county government where, despite the county reform act, there were numerous evidences of crooked and inefficient management. The board took up its work in the spring of 1909. The records of the office since that time show more than one million six hundred thousand dollars charged against local officials and partly recovered. The board states that in their belief fully ninety-five per cent of this was not due to deliberate wrongdoing but "to an indulgent indifference, resulting in an almost endless confusion producing incomplete records and incorrect accounts." The board has taken a hand in standardizing all forms for county work and their efforts have resulted in checking, not merely the evils of accounting, but also of contracts and the purchase of supplies. The law has been successful to a high degree and has been strengthened during each session since its adoption.

*Taxation.*—Local power to tax is limited as is also the power to borrow. The borrowing limit is fixed by the constitution at two per cent of the taxable property, and the taxing limit is fixed in general and special laws, sometimes with both a maximum and minimum limit but usually with only a maximum limit. Important powers are given to the state board of tax commissioners in equalizing assessment of property for taxation, and especially in passing upon appeals from the assessment made by local authorities. Any party aggrieved may appeal from the county board of review to the state board.

*Other Checks.*—In public health and charities, the state exercises a supervising control through the state board of health and the board of state charities. Local health officers are deputies in the enforcement of the state health and pure food laws and in the enforcement of the weights and measures law. All county institutions are subject to visitation by the board of state charities and reports are required to be made. In most cases, however, these powers are merely exercised to enforce state laws and not as means of control of county business.

The county is also the unit of supervision of public schools, but here again the state is the final authority. An appeal lies directly

to the state superintendent of public instruction from decisions of the county superintendent. The power of examining and certifying teachers is being rapidly transferred to the state superintendent and the state board of education.

### *Conclusion*

Ample machinery exists in Indiana to keep public officials from departing very far from the paths of rectitude. County business must pass the scrutiny of so many public officers and boards in the county, to say nothing of the examinations by the state board of accounts, that it is hardly possible for graft and other crooked practices to exist. Comparable statistics prepared by the state board will soon show also where inefficiency and waste are draining the public treasury. Thus far county reform has been in the nature of prevention. There are ample negative powers to keep official business from going wrong, but very few to make local officials do the right things and do them effectively. Public opinion rightly directed by the known facts as shown by the comparisons available through the state board of accounts, may supply the one element necessary to make county business both honest and efficient.